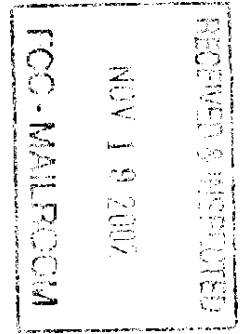




Federal Communications Commission  
Washington, D.C. 10554

November 13, 2002

Lee J. Peltzman, Esq.  
Shainis & Peltzman, Chartered  
1850 M Street, N.W., Suite 240  
Washington, D.C. 20036



Dear Mr. Peltzman:

This concerns the petition for rulemaking which you submitted on behalf of Bootheel Broadcasters ("Bootheel"), requesting the allotment of Channel 289C to Animas, New Mexico, as that community's first local aural transmission service

Bootheel's proposed site for Channel 289C at Animas (coordinates: 32-09-30; 108-49-00), is short spaced with regard to Channel 292C at Los Moscos, Mexico. This short spacing cannot be corrected by placing limitations on the proposed Channel 289C facility at Animas, because the limitations that would be necessary would reduce the Channel 289C facility to unrealistically low levels of power and antenna height above average terrain. Our engineering staff found a site that would clear all of the relevant allotments in Mexico. That site is located 38.1 kilometers north of Animas at coordinates: 32-17-42; 108-48-55. Nevertheless, from this site, there is a major terrain obstruction between the site and the city of Animas which would prevent 70 dBu coverage of the city. Thus, the proposal fails to comply with Section 73.315 of the Commission's Rules.

In brief, it does not seem possible to allot Channel 289C to Animas, New Mexico, at a site which both protects all relevant Mexican allotments and will allow 70 dBu coverage of the entire city of Animas.

Accordingly, the petition for rulemaking submitted on behalf of Bootheel Broadcasters is returned as unacceptable for consideration.

Sincerely,

John A. Kainusos, Assistant Chief  
Audio Division  
Media Bureau

# Shainis & Peltzman, Chartered

Counselors at Law

Suite 240

1850 M Street, N.W.  
Washington, D.C. 20036

(202) 293-0011

Fax (202) 293-0810

e-mail: shainispeltzman@s-plaw.com

Aaron B. Shainis  
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Lee J. Peltzman  
lee@s-plaw.com

Of Counsel

William H. DuRoss, III  
bill@s-plaw.com

Robert J. Keller  
rkeller@s-plaw.com

June 25, 2002

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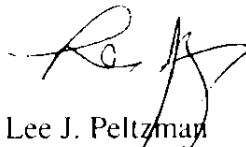
Re: Amendment of Section 73.202(b)  
Table of Allotments, FM Broadcast Stations  
(Animas and Hurley, New Mexico)

Dear Sir/Madam:

Transmitted herewith, on behalf of Bootheel Broadcasters, is in original and four (4) copies of its Petition for Rule Making.

Please contact the undersigned in the event the commission has any questions with respect to this rule making petition.

Sincerely,



Lee J. Peltzman  
Counsel for  
BOOTHEEL BROADCASTERS

Enclosure

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20551

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In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No. \_\_\_\_\_  
Table of Allotments, ) RM- \_\_\_\_\_  
FM Broadcast Stations, )  
(Animas and Hurley, New Mexico) )

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULEMAKING**

Bootheel Broadcasters ("Petitioner"), by its counsel and pursuant to Section 1.420 of the Commission's rules, hereby requests that the Commission amend Section 73.202(b) of the Commission's rules to allot Channel 289C to Animas, New Mexico as that community's first local broadcast service.<sup>1</sup> In support thereof, the following is respectfully shown:

Animas, New Mexico is an unincorporated ranching and mining community of 200 persons according to the 2000 Rand McNally Atlas. It is located in Hidalgo County, New Mexico, and is the economic center for an area known as the "Boot Heel," located in Southwest

---

<sup>1</sup> The Commission, on June 4, 2002, returned Petitioner's previously filed Petition for Rule Making because Petitioner failed to present a specific showing attesting to the ability of BBC Radio, licensee of Station KWNM(FM), Hurley, New Mexico, to provide line-of-sight service to its community of license from a site at Hurley. Attached hereto is a showing that a technically acceptable allotment reference site is available for Channel 229C1 at Hurley that will clear any major intervening obstruction and provide the community with a minimum signal of 70 dBu. In view of the fact that Petitioner's earlier rulemaking request, filed in February 2000, was returned, Petitioner respectfully requests that the Commission give expedited review to this Petition for Rule Making.

New Mexico and Southeastern Arizona. Animas has its own school district (Animas School District #6), which includes an elementary school, middle school and high school. It is home to four churches, First Baptist Church of Animas, LDS Church, Valley View Church and Valley View Community Church. It has commercial establishments such as Saveway Grocery and Bar. Cotton City Grocers, Panther Tracks Cafe and Cattlemen's Texas Longhorn and has its own post office and zip code, as well as a telephone cooperative, Valley Telephone Co-op. and an electric co-op, Columbus Electric Co-op. It also has its own volunteer fire and rescue squad, highway department office, a well-known commercial greenhouse operation, Burgett Geothermal Greenhouses, Inc. and several large ranches, including the Rough Mountain Ranch and the Gray Ranch/Animas Foundation, a biological preserve.

Animas is a social and economic center for local residents, yet it is not currently served by any broadcast service. Consequently, the allotment of Channel 289C to Animas will constitute a first local broadcast service.

Channel 289C may be allotted to Animas consistent with Section 73.207, the Commission's spacing requirement. and Section 73.315, the Commission's city coverage requirement. In order to accommodate the proposal to allot Channel 289C to Animas, Channel 229C1 must be substituted for Channel 288C1 and the transmitter site for Station KWNM(FM), Hurley, New Mexico. must be relocated, and the KWNM license modified accordingly. The licensee of Station KWNM(FM), BBC Radio. has provided a statement in which it consents to a change in its coordinates, as well as a new channel.<sup>2</sup> Channel 229C1 may be allotted to Hurley

---

<sup>2</sup> See attached Consent from BBC Radio

with revised allotment coordinates which place it in compliance with the Commission's city grade coverage and spacing requirements.<sup>3</sup>

The allotment of Channel 289C to Animas, New Mexico, will not only result in a first local service to that community, providing new service to 76,131 people residing in an area of 26,444 square kilometers, but will provide service to a currently unserved "white" area of 228 people residing in an area of 338 square kilometers. Thus, the Animas proposal will satisfy the first two allotment priorities set forth in Revision of Assignment Policies and Procedures, 90 FCC 2d 88 (1988).

Peritioner states that in the event the Commission grants the instant proposal and allots Channel 289C to Animas, it will apply for the new facilities, and, upon a grant of its application, will construct its facilities in an expeditious fashion.

In view of the above, Bootheel Broadcasters respectfully requests that the Commission amend its Table of Allotments to allot Channel 289C to Animas, New Mexico, and substitute Channel 229C1 for Channel 288C1 at Hurley, New Mexico.

Respectfully submitted,

BOOTHEEL BROADCASTERS

Shainis & Peltzman, Chartered  
1850 M Street, NW, Suite 240  
Washington, DC 20036  
(202)293-0011

---

Lee J. Peltzman  
Its Attorney

June 23, 2002

---

<sup>3</sup> The new reference coordinates for Station KWNM(FM) on Channel 229C1 are North Latitude 32° 57' 06", West Longitude 108° 14' 32". See note 1, *infra*.

Station KWNM(FM)  
Hurley, New Mexico


**CONSENT**

BBC Radio, licensee of Station KWNM(FM), Hurley, New Mexico, hereby agrees to have the station's channel changed from Channel 288C1 to 229C1 and to relocate its reference coordinates to North Latitude 32° 57' 06" and West Longitude 108° 14' 32". Should the Animas rulemaking proposal be approved by the Commission, BBC Radio will file an application for Station KWNM consistent with the FCC's rules to implement the Commission Report and Order, and, upon grant of its application, will construct its facility as authorized.

BBC Radio understands that this statement may be used in a filing with the Commission and hereby authorizes its use for that purpose.

I verify that this statement is true and correct to the best **of** my knowledge and belief and is made in good faith.

BBC RADIO

By:   
James S. Bumpous  
Partner

Date: June 22, 2002

# EXHIBIT #1

73.207 Channel Study for:

Channel 289 C

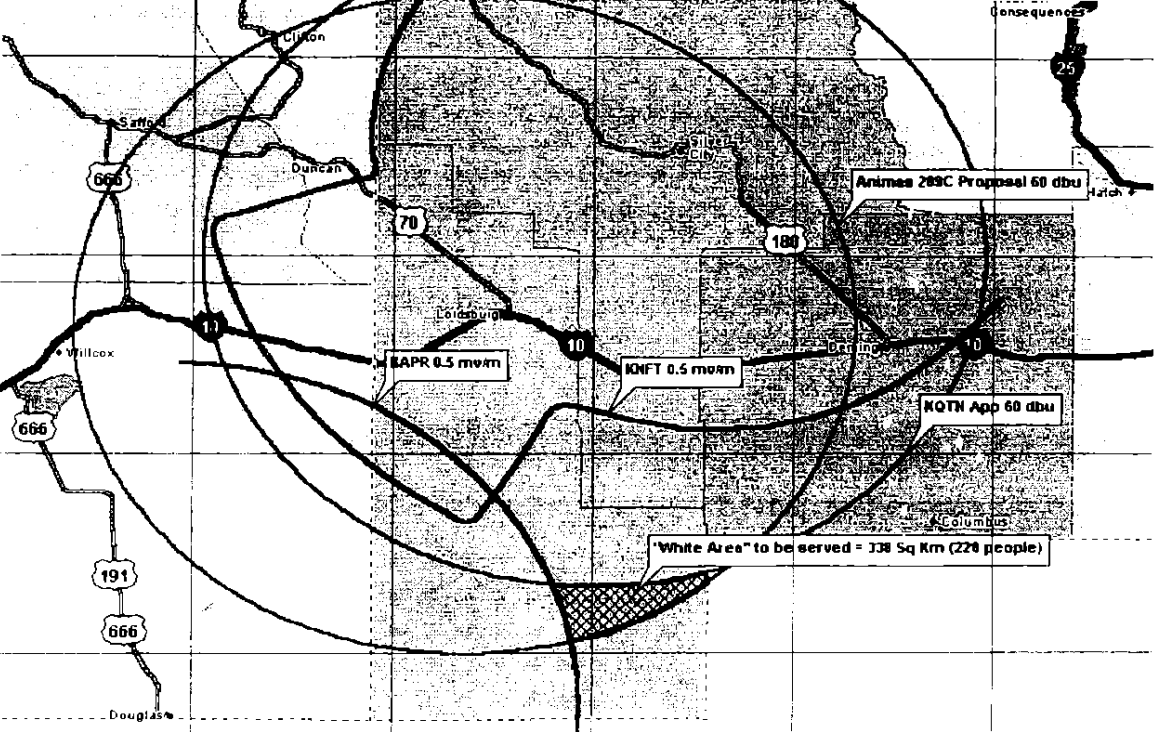
N. 32° 9' 30"

W. 108° 49' 0"

Chan	Class	CallSign	City	State	Co	Status	N	W	Reqd	Dist	Clear
288C1	KWNM	HURLEY	NM	US	LIC		32 50	40 108 14 19	209	79.13	-129.08
287C1	KWNM	HURLEY	NM	US	APP		32 40	17.7 107 57 4.9	105	97.13	-7.00
290C		NOGALES	SO	MX			31 19	49 110 56 42	228	229.11	1.71
292C		LOS MOSCOS	CH	MX			31 32	24 109 8 50	105	107.64	2.64
290C	XHGUFM	CIUDAD JUAREZ	CH	MX			31 44	27 106 23 21	228	230.71	2.71
290C		CIUDAD JUAREZ	CH	MX			31 44	27 106 28 21	228	230.71	2.71
290C	XHNESEFM	NOGALES	SO	MX			31 19	7 110 57 29	228	231.42	3.41
288B		NACOSARI DE GARCIA	SO	MX			30 22	25 109 41 28	215	231.81	16.81
291C		FRONTERAS	SO	MX			30 53	59 105 33 32	105	173.02	68.02
287C2	KZLZ	KEARNY	AZ	US	LIC		32 49	38 110 34 12	105	113.79	68.78
291C1	KGMG	ORACLE	AZ	US	LIC		32 26	36 110 47 12	105	185.81	80.91
289B		MADIRA	CH	MX			31 15	30 108 9 40	270	353	a1
288B		EL PORVENIR	CH	MX			31 15	0 105 52 20	215	303.28	88.27
288C2	NEW	HEBER	AZ	US	ADD		34 25	53 110 35 36	188	286.18	98.18

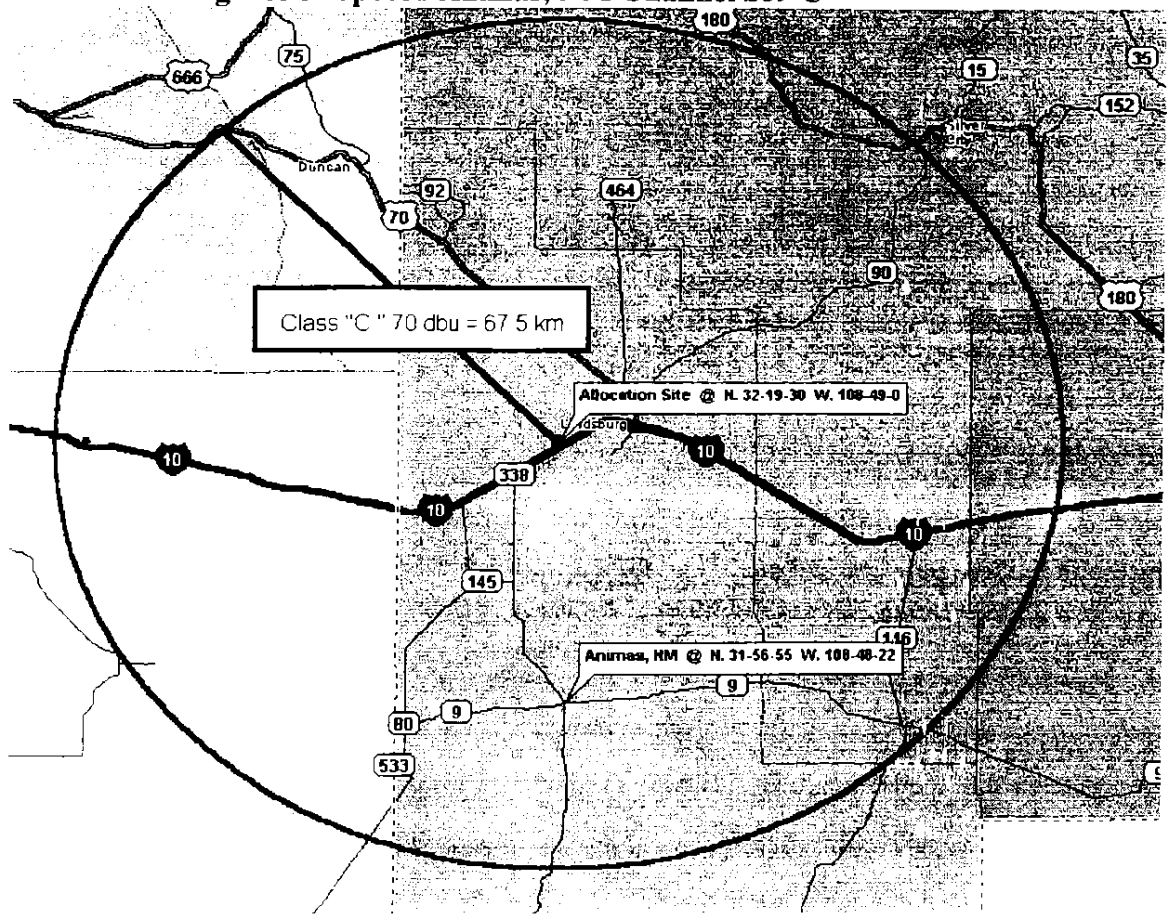
EXHIBIT #2

“White Area” coverage for Proposed Animas, NM Channel 289 C





70 dbu Coverage for Proposed Animas, NM Channel 289 C



73.207 Channel Study for Channel 229C1

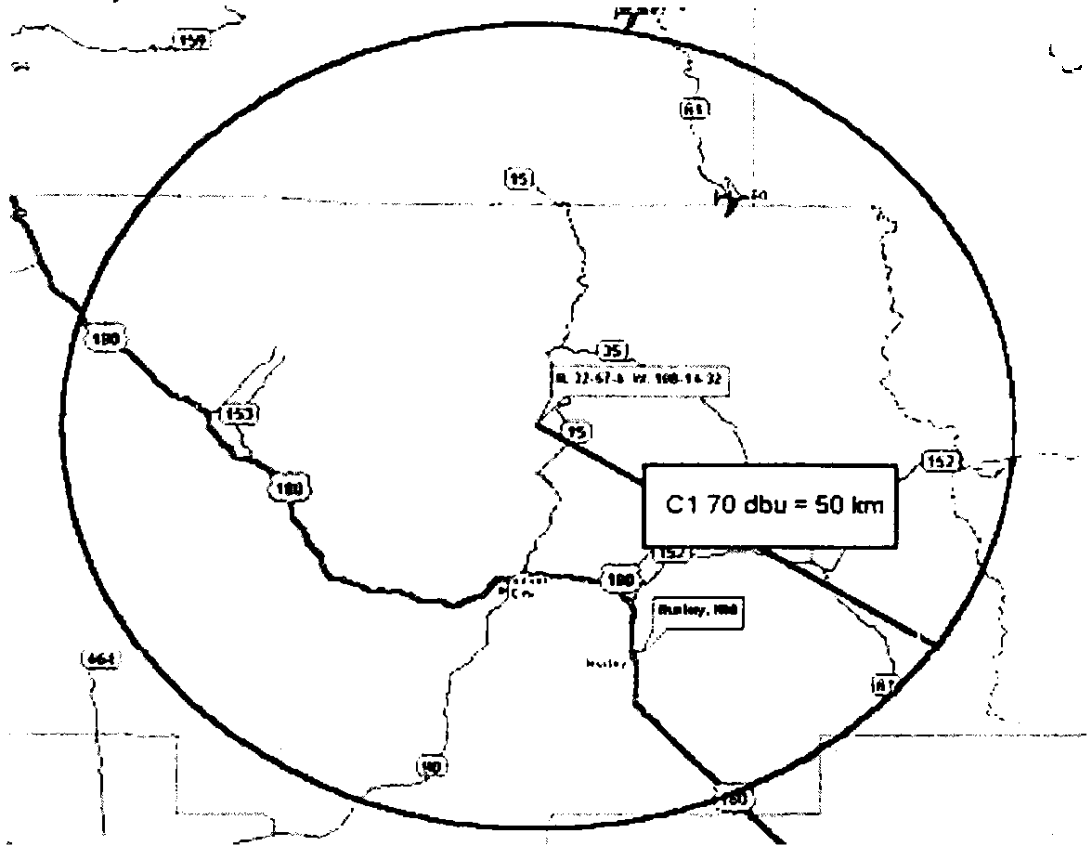
Coordinates:

N. 32-57-6.0

W. 108-14-32.0

Call	City	State	Co	Status	N			W			Reqd	Dist	Clear
KINT-FM	EL PASO	TX	US	LIC	31	47	46	106	28	57	209	209.41	0.4
	EL PASO	TX	US	USE	31	47	36	106	28	50	209	209.75	0.75
KRQQ	TUCSON	AZ	US	LIC	32	14	56	111	6	57	270	280.77	10.76
	TUCSON	AZ	US	USE	32	14	56	111	6	57	270	280.77	10.76
KRQQ	TUCSON	AZ	US	APP	32	14	56	111	6	59	270	280.82	10.81
KRQQ	TUCSON	AZ	US	CP	32	14	56	111	6	59	270	280.82	10.81
KDEM	DEMING	NM	US	LIC	32	15	5	107	45	28	75	90.01	15.01
	DEMING	NM	US	USE	32	15	5	107	45	28	75	90.01	15.01
	GALLUP	NM	US	USE	35	29	35	108	44	32	270	285.74	15.74
KXXI	GALLUP	NM	US	LIC	35	36	22	108	41	26	270	297.3	27.3
	SHOW LOW	AZ	US	USE	34	4	40	109	52	18	158	196.23	38.22
KSNX	SHOW LOW	AZ	US	CPMOD	34	12	20	109	56	26	158	210.21	52.21
	SAFFORD	AZ	US	USE	32	49	30	109	45	30	82	142.54	60.53
KXKQ	SAFFORD	AZ	US	LIC	32	39	1	109	50	53	82	151.06	72.06
KSNX	SHOW LOW	AZ	US	LIC	34	13	14	110	1	49	144	217.55	73.59
KNMA	RESERVE	NM	US	LIC	33	42	35	108	45	56	22	97.15	75.15
K228DK	DEMING	NM	US	LIC	32	15	21	107	45	26	0	89.61	89.6

From the proposed allocation site. KWNM can provide 70dbu coverage to all of the city of Hurley



Proposed allocation coordinates for KWNM

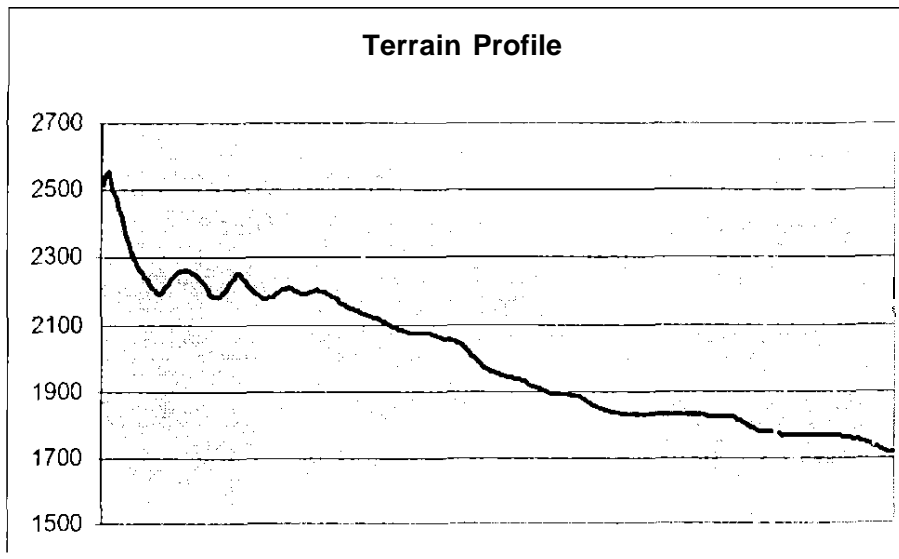
**As** part of Bootheel Broadcasting's proposal for Animas, NM

Revised allocation coordinates for Channel 229 C1 for station KWNM are

N. 32° 57' 6.0"

W. 108° 14' 32.0"

Plot of the terrain profile from the proposed allocation site *to* Hurley, NM



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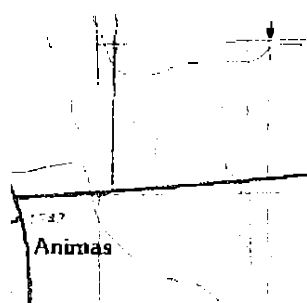
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**Animas, New Mexico, United States** 28 Sep 1996

Zoom 4m



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USGS Topo Map

01 Jul 1976

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0 0.5Km

0 0.25Mi

Image courtesy of the US Geological Survey.

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## Animas Volunteer Fire & Rescue

#1 Community Center Rd.  
 P.O. Box 409  
 Animas, NM 88020  
 USA

Scanner: (tx)153.770 (rx) 154.400 Mhz  
 Phone: (505) 548-2323  
 For emergencies: Dial (505) 518-2340  
 Email: [animasfiredept@excite.com](mailto:animasfiredept@excite.com)

Submitted By: Jared Fralie <[quailrun@vtc.net](mailto:quailrun@vtc.net)>  
 Last Updated: Tue Jun 6 19:36:51 2000

## About the Animas Volunteer Fire & Rescue

Animas Volunteer Fire & Rescue proudly protects 1,000 people living in an area of 2,500 square miles. We operate out of 1 station that protects a primarily rural area. Our department is a public department whose members are on a combination of paid and volunteer status. We have an ISO rating of 9.

### Our Services:

- Fire
- EMS
- Haz-Mat
- Search and Rescue
- Extrication

### Our Dispatched Methods:

- Dialing 911
- Calling our Department

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Last Updated: Tue Jun 6 19:36:51 2000

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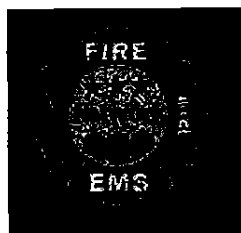
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- EMS
- Haz-Mat
- Search and Rescue
- Extrication

### Our Dispatched Methods:

- *Dialing 911*
- Calling our Department

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# Animas Volunteer Fire & Rescue

## Personnel Listing

Animas Volunteer Fire & Rescue is led into action by Ernie Fralie, who has served the department for 20 years. Our department has 17 volunteer professionals.

17 personnel are listed below.

Name	Title	Years
Ernie Fralie	Chief, First Responder	20
Sam Pursley	Asst. Chief, First Responder	17
Beverly Fralie	Lieut., Secretary, First Responder	17
Jack Lasher	Safety Advisor, EMT, Fire Fighter	18
Rosie Lasher	EMT, Fire Fighter	18
David Justice	Captain, EMT	5
Ric Meloy	Captain, First Responder	10
J.T. Lasher	Captain, First Responder	6
Jack Robinson	Fire Fighter, First Responder	5
Mary Moore	Fire Fighter, First Responder	7
Leon Evans	Fire Fighter, First Responder	17
Diane Pursley	Fire Fighter, First Responder	16
Jared Fralie	Dispatcher, Asst. Secretary	5



	Secretary	
	Fire Fighter, First	2
Justin McCarty	Junior Fire Fighter	2
(not given)	not given	not given
not given	not given	not given

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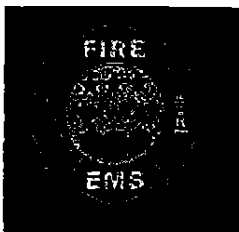
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## Animas Volunteer Fire & Rescue

### Apparatus Listing

16 apparatus are listed below.

Year	Manufacturer	Model	Type
1979	Ford	F-750	Pumper
1989	Ford	F-350	Rescue
1976	Mack	<i>not given</i>	Tanker
1974	Kaiser	6x6 Tank Truck	Tanker
<i>not given</i>	Chev	<i>not given</i>	Tanker
1967	Kaiser	6x6	Wrecker
1983	International	Bobtail	Cashe
1982	Chev	Blazer	Command
1965	Ford	1 Ton 4x4	Fuel
<i>not given</i>	Ford	<i>not given</i>	Ambulance
1986	Chev	<i>not given</i>	Brush 1
<i>not given</i>	Chev	<i>not given</i>	Brush 2
<i>not given</i>	Chev	<i>not given</i>	Brush 3
<i>not given</i>	Ford	<i>not given</i>	Brush 4
<i>not given</i>	Ford	<i>not given</i>	Brush 5
<i>not given</i>	<i>not given</i>	<i>not given</i>	<i>not given</i>

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Business Name	Address	City	Phone
<a href="#">Animas Elementary School</a>	1 Panther Blvd	Animas, NM	(505) 548-2297
<a href="#">Animas Fire District Volunteer</a>	PO Box 409	Animas, NM	(505) 548-2340
<a href="#">Animas Middle School</a>	1 Panther Blvd	Animas, NM	(505) 548-2333
<a href="#">Animas School</a>	Highway 9 & Panther Blvd	Animas, NM	(505) 548-2296
<a href="#">Animas School District 6</a>	1 Panther Blvd	Animas, NM	(505) 548-2349
<a href="#">Animas Superintendent's Office</a>	1 Panther Ave	Animas, NM	(505) 548-2299
<a href="#">First Baptist Church Of Animas</a>	Hwy 9	Animas, NM	(505) 548-2572

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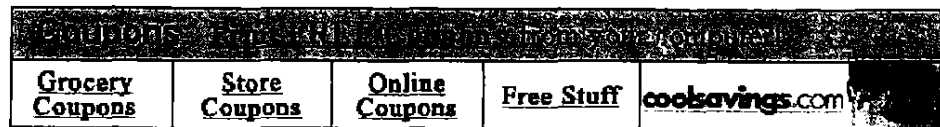
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Business Name	Address	City	Phone
<a href="#">Animas Fire District Volunteer</a>	PO Box 409	Animas, NM	(505)548-2340

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<a href="#">Cattlemens Texas Longhorn</a>		Animas, NM	(505) 548-2525
<a href="#">Panther Tracks Cafe</a>	Highway 338	Animas, NM	(505) 548-2444

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Business Name	Address	City	Phone
<a href="#">Family Lands Ltd</a>	Hc 65 Box 179c	Animas, NM	(505) 548-2622

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Business Name	Address	City	Phone
<a href="#">Animas Elementary School</a>	1 Panther Blvd	Animas, NM	(505) 548-2297
<a href="#">Animas Middle School</a>	1 Panther Blvd	Animas, NM	(505) 548-2333
<a href="#">Animas School</a>	Highway 9 & Panther Blvd	Animas, NM	(505) 548-2296
<a href="#">Animas School District 6</a>	1 Panther Blvd	Animas, NM	(505) 548-2349
<a href="#">Animas Superintendent's Office</a>	1 Panther Ave	Animas, NM	(505) 548-2299

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**Business Name**

[Columbus Electric Co-Op Inc](#)

**Address**

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**Phone**

(505) 548-2230

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1-800-222-0300



1-800-222-0400

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Business Name	Address	City	Phone
<a href="#">Valley Telephone Co-Op Inc</a>	Highway 9 & 338	Animas, NM	(505) 548-2533

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Business Name	Address	City	Phone
<a href="#">First Baptist Church Of Animas</a>	Hwy 9	Animas, NM	(505) 548-2572
<a href="#">Lds Church</a>		Animas, NM	(505) 548-2318
<a href="#">Valley View Church</a>	PO Box 528	Animas, NM	(505) 548-2539
<a href="#">Valley View Community Church</a>	Hwy 65 Box 263	Animas, NM	(505) 548-2539

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Business Name	Address	City	Phone
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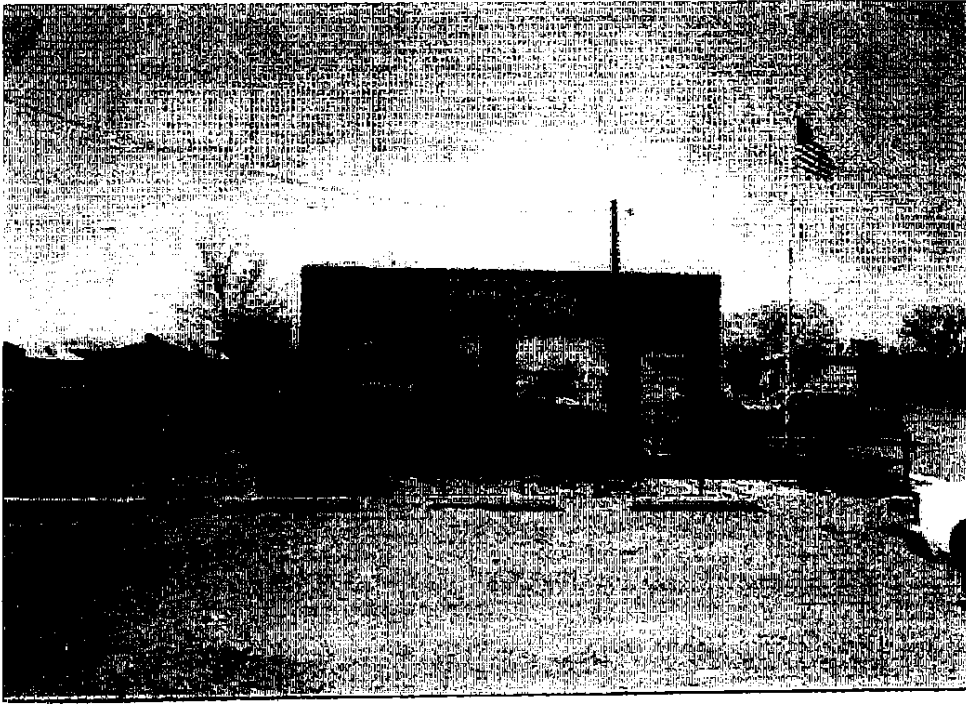
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I'm always working on this one...be sure to come back!



# Hidalgo County New Mexico



Hidalgo County was formed from Grant County in 1919 and Lordsburg is the county seat. It was named for Miguel Hidalgo y Costilla, a priest who fought for Mexico's independence. Two of the better known towns in the county are Rodeo and Animas. Rodeo is known for it's wonderful art gallery and Animas for it's schools. It's a large county of 3,445 square miles and a population of 6,100 in 1994. Because of it's location in the southwestern corner of New Mexico, it has beautiful weather with highs in the 90's in summer and lows in the 20's in January. July through October is their rainy season.

Here's a little info on some of the towns:

- **Rodeo** is a small town with some of the nicest people. Two stops are a MUST. The Rodeo grocery store for the best cinnamon rolls you've ever had and the Chiricahua Gallery where you can buy fine art in all forms from the many local artists. Sculpture, pottery, Jewelry, paintings and wood craft of exceptional quality.

- **Lordsburg** is the county seat, population 2931 in 1992. It's elevation is 4237 feet and has a yearly rainfall

- **Animas** is known for it's school that turns out great students each year. A lot of Arizona kids go to school here too. It's population in 1990 was 1799.

**ANIMAS FOUNDATION/GRAY RANCH**

DR. BEN BROWN, PROGRAM DIRECTOR

HC 65, BOX 180  
ANIMAS, NM 88020

**(505) 548-2622 TELEPHONE**

(505) 548-2267 FAX

[benbrown@vtc.net](mailto:benbrown@vtc.net) E-MAIL

**MISSION**

Recognizing that the biological diversity of the land and waters of the earth is declining, and recognizing that human activity has contributed to this imbalance, the Animas Foundation will encourage the practice of a land ethic to preserve, heal, restore, and sustain wildlands and waters, their inhabitants and cultures.

We propose to explore by scientific research, to disseminate through education, to imagine through artistic endeavor and other means, the interactive forces of man and nature. The Animas Foundation advances these and other charitable objectives in cooperation with, and support of, organizations, communities and individuals having similar and related goals.

**ACTIVE PROJECT**

- Long-term research: The effects of grazing and fire (alone and in combination) on Chihuahuan Desert grasslands (plant composition and community structure, vertebrates, invertebrates, soil biota). McKinney Flats, Gray Ranch
- Rare Species Monitoring (in conjunction with New Mexico Game and Fish Department, Endangered Species Branch): periodic surveys of abundance for white-sided jackrabbits, Botteri's sparrow, Baird's sparrow, Mexican chickadees, yellow-eye junco, grasshopper sparrows, Sprague's pipit, Chiricahua leopard frog, bunchgrass lizards, and Gould's turkeys
- Montane Rattlesnake Research: Research completed. Report forthcoming
- Mesquite Research: Dr. Tom Valone of St. Louis University has initiated a research project to examine the effects of season and intensity of burning on two different-aged stands of mesquite.

**BLACK RANGE RESOURCE CONSERVATION & DEVELOPMENT, INC.  
(Black Range RC&D)**

HAROLD J. BRAY, COORDINATOR

2610 N. SILVER STREET  
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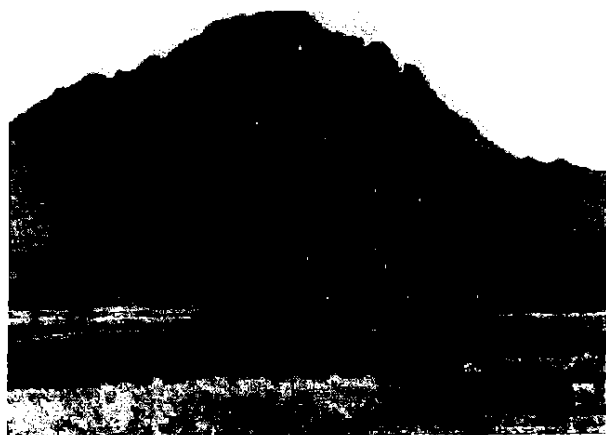
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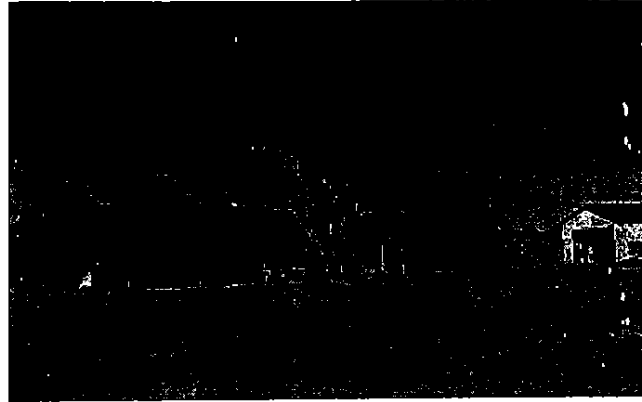


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Price: \$90,000 MUST SELL! Cash Utilities

Location: Animas, NM

Descrip: 4 bdrm 2 bath adobe home with a large country kitchen. This ranchette has a garage, outbuildings, and horse facilities. Located in the heart of Animas with no restrictions, this property is an excellent investment. Within walking distance to schools, community center and local businesses. Endless possibilities.



House and Kitchen



## **CERTIFICATE OF SERVICE**

I, Susan B. Crawford, a secretary in the law firm of Shainis & Peltzman, Chartered, do hereby certify that I have on this 24<sup>th</sup> day of June, 2002, caused to be mailed **by** first class mail, postage prepaid, copies of the foregoing "Petition for Rulemaking" to the following:

John A. Karousos\*  
Federal Communications Commission  
Mass Media Bureau, Rm. 3-A266  
445 12th Street, S.W.  
Washington, D.C. 20554

---

Susan B. Crawford

\*By Hand Delivery

## CERTIFICATE OF SERVICE

I, Susan B. Crawford, a secretary in the law firm of Shainis & Peltzman, Chartered, do hereby certify that I have on this 25<sup>th</sup> day of June, 2002, caused ~~to~~ be mailed by first class mail, postage prepaid, copies of the foregoing "Petition for Rulemaking" to the following:

John A. Karousos\*  
Federal Communications Commission  
Mass Media Bureau. Rm. 3-A266  
445 12th Street, S.W.  
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Susan B. Crawford  
Susan B. Crawford

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